



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 15315

PERMIT 10197

LICENSE 10790

THIS IS TO CERTIFY, That

UNITED STATES - INYO NATIONAL FOREST
2957 BIRCH STREET, BISHOP, CALIFORNIA 93514

HAS made proof as of SEPTEMBER 14, 1976 (the date of inspection)
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
AN UNNAMED SPRING IN MONO COUNTY

tributary to AN UNNAMED STREAM THENCE DEADMAN CREEK THENCE OWENS RIVER

for the purpose of DOMESTIC USE

under Permit 10197 of the Board and that the right to the use of this water has been perfected
in accordance with the laws of California, the Regulations of the Board and the permit terms; that the
priority of this right dates from APRIL 24, 1953 and that the amount of water to which
this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated
purposes and shall not exceed THREE THOUSAND FOUR HUNDRED (3,400) GALLONS PER DAY, TO BE
DIVERTED FROM MARCH 1 TO DECEMBER 31 OF EACH YEAR. THE TOTAL ANNUAL DIVERSION
SHALL NOT EXCEED 1.8 ACRE-FEET.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

DUE NORTH 600 FEET FROM CENTER OF SECTION 32, T2S, R27E, MDB&M, BEING
WITHIN SW1/4 OF NE1/4 OF SAID SECTION 32.

A DESCRIPTION OF LANDS OR THE PLACE WHERE
SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

WITHIN NW1/4 OF NE1/4 OF SECTION 33, T2S, R27E, MDB&M, AS SHOWN ON MAP FILED WITH
STATE WATER RESOURCES CONTROL BOARD.

THIS LICENSE IS CONDITIONED UPON FULL COMPLIANCE WITH SECTION 525 OF THE
FISH AND GAME CODE.

THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION
BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE LICENSEE AND
AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY
TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

Pursuant to California Water Code Section 100 all rights and privileges under this license, including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

This continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to minimizing waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (3) suppressing evaporation losses from water surfaces; (4) controlling phreatophytic growth; and (5) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

ORDER

APPLICATION 15315

PERMIT 10917

LICENSE 10790

ORDER CORRECTING PURPOSE OF USE

WHEREAS:

1. License 10790 was issued to United States - Inyo National Forest and recorded in the County Recorder of Mono County in Volume 241, Page 8 on April 10, 1978.
2. A request to correct the purpose of use from domestic to Standby Emergency Domestic and Fire Protection Uses has been filed with the State Water Resources Control Board.
3. License 10970 should also be updated to contain the current conditions pertaining to the Board's continuing authority and public trust responsibilities.
4. The State Water Resources Control Board has determined that said correction of the purposes of use will not initiate a new right nor operate to the injury of any other lawful user of the water and that good and sufficient clause has been shown for said correction.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purpose of use under the license be amended to read:
Standby Emergency Domestic and Fire Protection uses (0000003)
2. The license condition pertaining to the correction in the purpose of use shall be conditioned to read as follows:
This license is reserved solely for standby emergency domestic and fire protection uses and will remain active only upon proper maintenance of the standby diversion system and facilities.
3. The existing continuing authority condition in License 10790 be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

Dated: MAY 30 1980

Walter G. Pettit
for Walter G. Pettit, Chief
Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 15315 Permit 10197 License 10790

ORDER AMENDING LICENSE

WHEREAS:

1. License 10790 was issued to the United States, Inyo National Forest and recorded at the office of the Mono County Recorder on April 10, 1978.
2. License 10790 confers upon Inyo National Forest an appropriate right to use water from an Unnamed Spring in Mono County.
3. License 10790 is conditioned upon full compliance with Section 525 of the Fish and Game Code; however, Fish and Game Code Section 525 was superceded and replaced by Section 5937 prior to issuance of the License.
4. Fish and Game Code Section 5946 requires that the State Water Resources Control Board condition Licenses that authorize diversion of water in Department of Fish and Game District 4 ½ (Inyo and Mono Counties) to specify compliance with Section 5937 of the Fish and Game Code.
5. Since amendment of License 10790 to conform with the Fish and Game Code is a ministerial action, this Order is exempt from the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines in accordance with Section 21080 of the Public Resources Code.

NOW, THEREFORE, IT IS ORDERED THAT:

The following License condition,

"THIS LICENSE IS CONDITIONED UPON FULL COMPLIANCE WITH SECTION 525 OF THE FISH AND GAME CODE"

is deleted and replaced with the following:

In accordance with the requirements of Fish and Game Code Section 5946, this License is conditioned upon full compliance with Section 5937 of the Fish and Game Code.

JUNE 16 1997

Dated:

Walt Pettit
Walt Pettit
Executive Director